

SENATE BILL 1844

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 10,  
Chapter 7, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following language as a new subsection:

(g)

(1) All records of any local governmental entity shall be open for inspection as provided in subsection (a), provided that:

(A) The person requesting such records is not:

(i) A party to pending civil litigation wherein the local governmental entity is a named party; or

(ii) The attorney, agent, or other person acting on behalf of a party to pending civil litigation wherein the local governmental entity is a named party; and

(B) The court in the pending civil litigation wherein the local government entity is a named party has not ruled favorably on a motion to preclude the use of the public records laws compiled in this chapter pursuant to subdivision (g)(2).

(2) A local government entity that is a party to civil litigation may file a motion with the court having jurisdiction over the case to preclude the use of the public records laws compiled in this chapter in obtaining any material that is discoverable under the Tennessee Rules of Civil Procedure, or otherwise related to the subject of the litigation. If the court rules in favor of the local government

entity that files the motion, the Tennessee Rules of Civil Procedure governing discovery shall control all subsequent requests for the records of a local governmental entity requested by any of the persons identified in subdivision (g)(1)(A).

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.